

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant(s): Engelhardt et al.

Serial No.: 10/717,140 Group Art Unit: 1634

Filed: November 18, 2003 Examiner: Lu, F.

For: **PROCESS FOR SELECTIVE EXPRESSION OF NUCLEIC ACID PRODUCTS**

Confirmation No.: 7276

INFORMATION DISCLOSURE STATEMENT TRANSMITTAL LETTER

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

In accordance with 37 C.F.R. 1.56, 1.97 and 1.98, Applicants submit herewith references which they believe may be material to the patentability of this application and with respect to which there may be a duty to disclose in accordance with 37 C.F.R. 1.56.

While the references may be "material" under 37 C.F.R. 1.56, it is not intended to constitute an admission that the references are "prior art" unless specifically designated as such.

The filing of this Information Disclosure Statement shall not be construed as a representation that no other material references than those listed exist or that a search has been conducted.

The references are listed in Form PTO SB08a (in accordance with the requirements of MPEP 609). They have been previously disclosed on an Information Disclosure Statement that was submitted on March 13, 2008; but, they were not submitted and they have not been made of record previously in the instant case.

The non-patent literature includes Office Actions issued in related cases and an additional non-patent literature reference. References not previously submitted and made of record in a parent case, and additional references previously submitted and made of record in related cases but not in a parent case are submitted herewith. For Examiner's reference, this application is a continuation of application serial no. 10/260,031, filed June 6, 2003; which is a continuation of application serial no. 09/302,817, (abandoned); February 3, 1998; which is a division of 08/182,621.

Applicants note that Non-Final Rejection dated 2000-01-10 for application number 09302818 (attorney docket no. Enz-52-D1) was disclosed as non-patent literature on the Information Disclosure statement submitted on March 13, 2008 for the instant application. The Non-Final Rejection dated 2000-01-10 for application number 09302818 (attorney docket no. Enz-52-D1) is listed in the Transaction History of the application, but is absent from the Image File Wrapper and from the applicant's file. Being presently unavailable, it is omitted from the Information Disclosure Statement submitted herewith.

It is respectfully requested that these references be considered by the Patent and Trademark Office in its examination of the above-identified application and be made of record therein. The Examiner is also invited to contact the Undersigned if there are any questions concerning this paper or the attached references.

The Information Disclosure Statement submitted herewith is being filed
[x] after submitting the RCE but before any subsequent Office Action
[] before the mailing date of a first Office Action on the merits
[] after the mailing date of a first Office Action on the merits.

Respectfully submitted,

Date: November 24, 2008

/Cheryl H Agris/

Cheryl H. Agris, Reg. No. 34,086